

REMARKS

Claims 1-11 and 43-51 stand rejected. No claims are added, amended or cancelled by this reply. Accordingly, claims 1-11 and 43-51 are at issue. Applicant respectfully requests reconsideration or further examination.

Claims 1-11 and 43-51 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Walker et al., U.S. Patent No. 5,794,207 in view of Murcko, Jr., U.S. Patent No. 6,578,014. First, it has not been shown that Murcko is prior art because the present application was filed before the application for Murcko, and it has not been shown that the provisional application from which it claims priority supports the disclosure cited by the examiner.

Claim 1 recites inter alia, a processor configured to designate a selected vendor from a plurality of vendors and provide the selected vendor with access to selected information from the predetermined first portion of the database of client information. The predetermined first portion of client information is designated as confidential, claim 1, paragraph (c)(2), and other vendors are precluded from accessing the predetermined first portion of client information, claim 1, paragraph (c)(6). Walker does not teach a processor so configured. E.g., Paper No. 28, p.4. Murcko also fails to teach or suggest such a processor. In contrast, Murcko teaches a system that "stores and makes available to all participants information about the other participants' previous transactions, such as average payment overall, average payment by type, and item descriptions." Murcko, col. 6, ll. 63-67, see also col. 6, ln. 65-col. 7, ln. 5, col. 7, ll. 35-40.

The reference to Murcko Col. 25, ll. 20-25, Figure 17; Col. 27, ll. 20-30 does not support the conclusion that Murcko teaches or discloses providing a selected vendor with access to information that has been designated confidential. Col. 25, ll. 20-25 simply provides that certain sellers may be excluded from providing items to a buyer. See col. 24, ll. 22-29. Merely excluding seller from making an offer to sell is not the same as denying the excluded seller from accessing client information, especially in view of Murcko's reference of making information available to all participants. The other portions of Murcko also fail to teach or disclose granting access to confidential information to a selected vendor while simultaneously denying access to that information to other vendors. Instead, it appears that a buyer's designation of confidentiality would be applied consistently to all sellers. See, Col. 27, ll. 20-30. Because neither Murcko nor Walker, alone or in combination disclose all of the elements of claim 1, claim 1 is not rendered obvious by those two patents. All claims which depend from claim 1 are believed allowable for the same reasons.

Claim 2 further recites, inter alia, that the processor is further configured to analyze information in a database of vendor information, to analyze information in the database of client information, and to provide a suggested transaction to the client based on the information in the database of vendor information and the database of client information. See App., pp. 30-32, 35. There is no disclosure or suggestion in Walker et al. for a processor configured as recited in Claim 2. Instead, Walker et al. teaches posting CPO's that were generated by the buyer (col. 15, ll. 41-44, 49-52) and binding the buyer to the first acceptance that meets the terms of the CPO (col. 19, ll. 13-28). The processor of Walker et al. does not appear to be configured to perform any analysis or to provide a suggested transaction that may be accepted or declined by the client.

Having the processor provide a suggested transaction is different from simply relaying sales proposals from vendors. See, e.g., Claim 3 (reciting the additional features of receiving information from a vendor and providing the received information to the client). Accordingly, Claim 2 is not rendered obvious by these patents for this additional reason. Claim 3, which depends from Claim 2, is also allowable for this additional reason.

Claim 4, depends from Claim 1 and further recites inter alia, establishing communications with a service institution via the network port and receiving transactional information corresponding to the client from the service institution. The cited portion of Walker does not disclose a processor so configured because Walker concerns contacting a clearing house, not a "service institution" as that term is defined in the specification. See, Application, p.9.

Claim 10 recites that the processor is further configured to establish communication with an electronic transaction device and transactional information is received from the electronic transaction device. Walker et al. does not disclose a processor configured to receive transactional information from an electronic transaction device. An "electronic transaction device," as used in the specification, means relates to handheld or pocket-sized devices which may be used to emulate various conventional plastic cards and to conduct electronic transactions. See Application, pp. 1-2 (describing examples of electronic transaction devices). Accordingly, Claim 10 is not rendered obvious by these patents for this additional reason.

Claim 11 further recites, inter alia, that the processor is configured to reconcile information received from the service institution with information received from the client. This

allows the processor to identify discrepancies between transaction records stored on an electronic transaction device with transaction records reported by a service institution. See, e.g., Application at page 38. In this way, electronic receipts created at the time of a transaction and stored on an electronic transaction device may be compared with the transactions that appear on a monthly statement from a card issuer by the processor. The recited claim language is not shown or suggested in Walker et al. Accordingly, Claim 11 is not rendered obvious by Walker et al. for this additional reason.

New Claim 43 depends from Claim 1 and further recites that the processor is further configured to comprise a client data consolidation expert system. The client data consolidation expert system receives input from a variety of sources, including information comprising client profile information, transaction and records analysis, and privacy specifications and assistance in making purchases. See Application, pp. 30-31. Walker et al. does not disclose such a client data consolidation expert system. Once again, Walker simply binds the buyer's CPO to the first qualifying seller's acceptance, there does not appear to be any analysis of data from a variety of sources. Accordingly, Claim 43 is believed allowable for this reason in addition to the reasons given with respect to independent Claim 1.

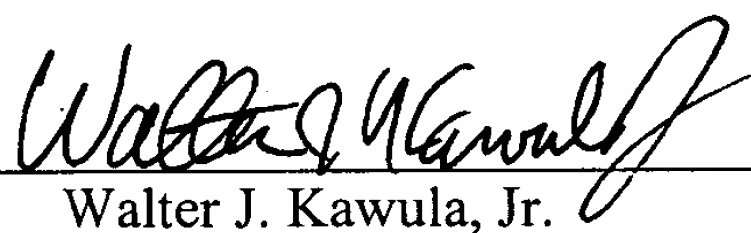
Claims 46-51 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Walker et al., in view of Dahod et al., U.S. Patent No. 6,574,608, and further in view of Brandt et al., U.S. Patent No. 6,714,879. However Dahod et al. is not prior art under 35 U.S.C. § 102(a). The application for Dahod et al. was filed on June 11, 1999, which is after the date of invention by Applicant. See Declaration of Satyan Pitroda, filed herewith. Because the rejection is based, in

part, on a patent that is not prior art Applicant respectfully requests that the rejection be withdrawn.

Applicant respectfully submits that the claims are in condition for allowance, and such action is earnestly submitted. If the Examiner find that there are any outstanding issues which may be resolved by a telephone interview, the Examiner is invited to contact the undersigned at the below listed number.

Respectfully submitted,

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January 6, 2005

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